

103D CONGRESS
1ST SESSION

H. R. 915

To improve the collection of child support.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1993

Mrs. SCHROEDER introduced the following bill; which was referred jointly to the Committees on Ways and Means and the Judiciary

A BILL

To improve the collection of child support.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Support Eco-
5 nomic Security Act of 1993”.

6 **TITLE I—CHILD SUPPORT**

7 **ENFORCEMENT AMENDMENTS**

8 **SEC. 101. UNIFORM STATEWIDE CHILD SUPPORT ENFORCE-** 9 **MENT PROGRAM.**

10 Section 454(3) of the Social Security Act (42 U.S.C.
11 654(3)) is amended by striking “, which meets” and all
12 that follows and inserting “at the State level to administer

1 the plan under rules that apply uniformly throughout the
2 State;”.

3 **SEC. 102. ACCESS OF STATE CHILD SUPPORT ENFORCE-**
4 **MENT AGENCY TO INFORMATION IN STATE**
5 **DATA BASES.**

6 Section 466(a) of the Social Security Act (42 U.S.C.
7 666(a)) is amended by inserting after paragraph (10) the
8 following:

9 “(11) Procedures which ensure that the agency
10 administering the plan under section 454 has on-line
11 access to all information contained in any data base
12 maintained by the State or any political subdivision
13 of the State.”.

14 **SEC. 103. CHILD SUPPORT PAYMENTS REQUIRED UNTIL**
15 **CERTAIN EVENT OCCURS.**

16 Section 466(a) of the Social Security Act (42 U.S.C.
17 666(a)), as amended by section 102 of this Act, is amend-
18 ed by inserting after paragraph (11) the following:

19 “(12)(A) Procedures which ensure that any
20 court order, or order of an administrative process es-
21 tablished under State law, for support or mainte-
22 nance of a child, requires the payment of such sup-
23 port until the child—

24 “(i) if not disabled—

25 “(I) attains the age of 18 years;

1 “(II) is graduated from secondary
2 school or its equivalent, or, having been en-
3 rolled at such a school or equivalent, is no
4 longer so enrolled at any such school or
5 equivalent;

6 “(III) marries; or

7 “(IV) is emancipated by a court of
8 competent jurisdiction; or

9 “(ii) if disabled—

10 “(I) marries; or

11 “(II) is able to support himself or her-
12 self.

13 “(B) For purposes of subparagraph (A), the
14 term ‘disabled’ means having a severe, chronic dis-
15 ability which—

16 “(i) is attributable to a mental or physical
17 impairment, or combination of mental and
18 physical impairments;

19 “(ii) is likely to continue indefinitely;

20 “(iii) results in substantial functional limi-
21 tations in 3 or more of the following areas of
22 major life activity:

23 “(I) self-care;

24 “(II) receptive and expressive lan-
25 guage;

1 “(III) learning;

2 “(IV) mobility;

3 “(V) capacity for independent living;

4 “(VI) economic self-sufficiency; and

5 “(iv) reflects the need for a combination of
6 special, interdisciplinary, or generic care, treat-
7 ment, or other services that are of lifelong or
8 extended duration.”.

9 **SEC. 104. REQUIREMENT THAT ALL INCOME BE SUBJECT**
10 **TO WITHHOLDING TO MEET CHILD SUPPORT**
11 **OBLIGATIONS.**

12 Section 466(a) of the Social Security Act (42 U.S.C.
13 666(a)), as amended by the preceding provisions of this
14 Act, is amended by inserting after paragraph (12) the fol-
15 lowing:

16 “(13)(A) Procedures which ensure that all in-
17 come of an individual (other than benefits received
18 through a Federal, State, or local program under
19 which entitlement to benefits is based on the means
20 of the beneficiary) is subject to withholding to meet
21 the child support obligations of the individual.

22 “(B) Procedures which require the agency re-
23 sponsible for the operation of any State lottery
24 (in this subparagraph referred to as the ‘lottery
25 agency’)—

1 “(i) to inquire of the agency administering
2 the plan under section 454 whether any person
3 to whom the lottery agency is to directly pay
4 lottery winnings owes overdue support;

5 “(ii) to defer payment of the winnings
6 until the lottery agency receives a response to
7 the inquiry; and

8 “(iii) if the person owes overdue support,
9 to withhold from the payment of the winnings
10 the amount of the overdue support.

11 “(C) Procedures which require any insurer sub-
12 ject to regulation by the State—

13 “(i) to inquire of the agency administering
14 the plan under section 454 whether any person
15 claiming benefits under a policy of insurance is-
16 sued by the insurer owes overdue support;

17 “(ii) to defer payment of such benefits
18 until the insurer receives a response to the in-
19 quiry; and

20 “(iii) if the person owes overdue support—

21 “(I) to withhold from such benefits
22 the amount of the overdue support; and

23 “(II) to provide to the agency the
24 amount withheld for payment to the indi-
25 vidual owed the support.

1 “(D) Procedures which prevent a State court
2 from entering an order awarding the payment of
3 money to any person, or accepting an agreement set-
4 tling an action brought in the court that requires
5 money to be paid to any person, until—

6 “(i) the court has inquired of the agency
7 administering the plan under section 454
8 whether the person owes overdue support, and
9 has received a response to the inquiry; and

10 “(ii) if the person owes overdue support,
11 the person pays the amount of the overdue
12 support.

13 “(E) Procedures which prevent any agency of
14 State or local government from recording a property
15 transaction, until—

16 “(i) the agency has inquired of the agency
17 administering the plan under section 454
18 whether any party to the transaction owes over-
19 due support, and has received a response to the
20 inquiry; and

21 “(ii) any such party—

22 “(I) pays the amount of any overdue
23 support; or

24 “(II) demonstrates that the party has
25 made a good faith effort—

1 “(aa) to pay the support due for
2 the month in which the transaction is
3 sought to be recorded; and

4 “(bb) to provide for the payment
5 of the overdue support through regu-
6 lar, periodic payments.”.

7 **SEC. 105. STATE LICENSES DENIED TO PARENTS WITH**
8 **PAST DUE CHILD SUPPORT OBLIGATIONS.**

9 Section 466(a) of the Social Security Act (42 U.S.C.
10 666(a)), as amended by the preceding provisions of this
11 Act, is amended by inserting after paragraph (13) the
12 following:

13 “(14) Procedures which prohibit the provision,
14 renewal, or reissuance of any license, required under
15 the law of the State or of any political subdivision
16 thereof before engaging in conduct subject to the li-
17 cense, to any person the amount of whose overdue
18 support exceeds \$1,000, until the person dem-
19 onstrates that the person has made a good faith ef-
20 fort—

21 “(A) to pay the support due for the month
22 in which the license was requested to be pro-
23 vided, renewed, or reissued; and

1 “(B) to provide for the payment of the
2 overdue support through regular, periodic pay-
3 ments.”.

4 **SEC. 106. CERTAIN OVERDUE CHILD SUPPORT OBLIGA-**
5 **TIONS REQUIRED TO BE REPORTED TO**
6 **CONSUMER CREDIT REPORTING AGENCIES.**

7 Section 466(a)(7) of the Social Security Act (42
8 U.S.C. 666(a)(7)) is amended to read as follows:

9 “(7) Procedures which ensure that the agency
10 administering the plan under section 454—

11 “(A) reports to the major consumer report-
12 ing agencies (as defined in section 603(f) of the
13 Fair Credit Reporting Act) the amount of over-
14 due support owed by an individual residing in
15 the State if the amount of the delinquency ex-
16 ceeds the amount of child support payable by
17 the individual on a monthly basis; and

18 “(B) upon request of a consumer reporting
19 agency, furnishes the consumer reporting agen-
20 cy information on the amount of overdue sup-
21 port owed by an individual residing in the
22 State, for a fee equal to not more than the cost
23 of furnishing the information;”.

1 **SEC. 107. ELIMINATION OF STATUTES OF LIMITATIONS IN**
2 **CHILD SUPPORT CASES.**

3 Section 466(a) of the Social Security Act (42 U.S.C.
4 666(a)), as amended by the preceding provisions of this
5 Act, is amended by inserting after paragraph (14) the
6 following:

7 “(15) Procedures which ensure that there is no
8 limit to the period in which any court order, or order
9 of an administrative process established under State
10 law, for support or maintenance of a child, may be
11 enforced.”.

12 **SEC. 108. REQUIREMENT THAT SOCIAL SECURITY NUM-**
13 **BERS APPEAR ON MARRIAGE LICENSES AND**
14 **CHILD SUPPORT ORDERS.**

15 Section 466(a) of the Social Security Act (42 U.S.C.
16 666(a)), as amended by the preceding provisions of this
17 Act, is amended by inserting after paragraph (15) the
18 following:

19 “(16) Procedures which ensure that, on each
20 marriage license issued by the State, and in each
21 court order, or order of an administrative process es-
22 tablished under State law, for support or mainte-
23 nance of a child, there appear the social security ac-
24 count numbers of each individual to whom the li-
25 cense is issued or upon whom the order imposes a
26 support obligation.”.

1 **SEC. 109. SEPARATE TREATMENT OF CASES ALLEGING**
2 **NONSUPPORT AND CASES ALLEGING DENIAL**
3 **OF VISITATION RIGHTS.**

4 Section 466(a) of the Social Security Act (42 U.S.C.
5 666(a)), as amended by the preceding provisions of this
6 Act, is amended by inserting after paragraph (16) the
7 following:

8 “(17) Procedures which ensure that—

9 “(A) conduct affecting the exercise of visi-
10 tation rights under a court order, or an order
11 of an administrative process established under
12 State law, for support or maintenance of a
13 child, shall be treated as irrelevant in any ac-
14 tion brought to enforce the support provisions
15 of the order; and

16 “(B) the provision of, or failure to provide,
17 support pursuant to such an order shall be
18 treated as irrelevant in any action brought to
19 enforce visitation rights under the order.”.

20 **SEC. 110. TIMELY RESPONSE TO INTERSTATE LOCATE RE-**
21 **QUESTS.**

22 Section 452(a) of the Social Security Act (42 U.S.C.
23 652(a)) is amended—

24 (1) by striking “and” at the end of paragraph
25 (9);

1 (2) by striking the period at the end of para-
2 graph (10) and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(11) in establishing standards under para-
5 graph (1) for locating absent parents—

6 “(A) not later than 1 year after the date
7 of the enactment of this paragraph, prescribe
8 deadlines by which States must respond to re-
9 quests from other States for information, tak-
10 ing into account the state of available tech-
11 nology; and

12 “(B) review and, if appropriate, revise
13 such deadlines every 3 years taking into ac-
14 count the state of available technology.”.

15 **SEC. 111. REGULATIONS FOR PROCESSING OF INTERSTATE**
16 **CHILD SUPPORT CASES.**

17 Section 452 of the Social Security Act (42 U.S.C.
18 652) is amended by adding at the end the following:

19 “(j) The Secretary shall issue regulations establishing
20 standards and procedures governing the processing by
21 States of cases involving the enforcement of child support
22 obligations against parents in other States, including a
23 deadline by which prosecutions must commence after the
24 case first comes to the attention of the State, and a dead-
25 line by which such actions must be decided or dismissed.”.

1 **SEC. 112. FINANCIAL INCENTIVES.**

2 (a) ONLY CHILD SUPPORT ENFORCEMENT FUNDS
3 SUBJECT TO REDUCTION FOR SUBSTANTIAL NONCOMPLI-
4 ANCE.—

5 (1) IN GENERAL.—Subsection (h) of section
6 403 of such Act (42 U.S.C. 603(h)) is hereby trans-
7 ferred to section 455 of such Act, redesignated as
8 subsection (f) of such section 455, and amended—

9 (A) in paragraph (1)—

10 (i) by striking “Act” and inserting
11 “part”;

12 (ii) by striking “part D” and inserting
13 “this part”; and

14 (iii) by striking “such part” and in-
15 serting “this part”; and

16 (B) in paragraph (3), by striking “this
17 part” and inserting “part A”.

18 (2) CONFORMING AMENDMENTS.—

19 (A) Section 452(a)(4) of such Act (42
20 U.S.C. 652(a)(4)) is amended by striking
21 “403(h)” each place such term appears and in-
22 serting “455(f)”.

23 (B) Subsections (d)(3)(A), (g)(1), and
24 (g)(3)(A) of section 452 of such Act (42 U.S.C.
25 652) are each amended by striking “403(h)”
26 and inserting “455(f)”.

1 (b) PAYMENTS TO STATES INCREASED.—

2 (1) IN GENERAL.—Section 455(a) of such Act
3 (42 U.S.C. 655(a)) is amended—

4 (A) in paragraph (1)—

5 (i) by striking “(a)(1)” and inserting
6 “(a)”; and

7 (ii) in subparagraph (A), by striking
8 “the percent specified in paragraph (2)”
9 and inserting “90 percent”; and

10 (iii) in each of subparagraphs (B) and
11 (C), by striking “(rather than the percent-
12 age specified in subparagraph (A))”;

13 (B) by striking paragraph (2); and

14 (C) by redesignating subparagraphs (A),
15 (B), and (C) of paragraph (1) as paragraphs
16 (1), (2), and (3), respectively.

17 (2) CONFORMING AMENDMENTS.—Paragraphs
18 (1)(B), (2)(A), and (2)(B) of section 452(d) of such
19 Act (42 U.S.C. 652(d)) are each amended by strik-
20 ing “455(a)(1)(B)” and inserting “455(a)(2)”.

21 (c) REPEAL OF INCENTIVE PAYMENTS TO STATES.—
22 Section 458 of such Act (42 U.S.C. 658) is hereby re-
23 pealed.

1 **SEC. 113. DEADLINE FOR ADOPTION OF UNIFORM INTER-**
2 **STATE FAMILY SUPPORT ACT.**

3 Part D of title IV of the Social Security Act (42
4 U.S.C. 651–669) is amended by adding at the end the
5 following:

6 **“SEC. 469A. ADOPTION OF UNIFORM INTERSTATE FAMILY**
7 **SUPPORT ACT.**

8 “As a condition for the approval of any State plan
9 under this part, the State must, not later than the effec-
10 tive date of this section, have in effect a law identical to
11 the Uniform Interstate Family Support Act, in the form
12 most recently adopted by the National Conference of Com-
13 missioners on Uniform State Laws before the enactment
14 of this section.”.

15 **SEC. 114. COMMISSION ON CHILD SUPPORT GUIDELINES.**

16 (a) ESTABLISHMENT.—There is hereby established a
17 commission to be known as the Commission on Child
18 Support Guidelines (in this section referred to as the
19 “Commission”).

20 (b) APPLICABLE RULES.—Subsection (b) (except the
21 first sentence of paragraph (4) thereof), and subsections
22 (c), (e), (f)(2), and (g), of section 126 of the Family Sup-
23 port Act (42 U.S.C. 666 note; Public Law 100–485) shall
24 apply to the Commission in the same manner as such
25 provisions apply to the Commission on Interstate Child
26 Support.

1 (c) QUALIFICATIONS.—Each person with authority to
2 make appointments to the Commission shall exercise the
3 authority to ensure that the Commission includes—

4 (1) persons with judicial or administrative expe-
5 rience in matters involving child support enforce-
6 ment; and

7 (2) representatives of organizations which rep-
8 resent custodial and noncustodial parents.

9 (d) DUTY.—Not later than 18 months after the last
10 of the initial appointments to the Commission is made,
11 the Commission shall submit to the Congress a report con-
12 taining recommendations for national guidelines for child
13 support award amounts, after consideration of the guide-
14 lines established by each State pursuant to section 467(a)
15 of the Social Security Act.

16 (e) TERMINATION.—The Commission shall terminate
17 2 months after the date of submission of the report re-
18 quired by subsection (d).

19 (f) EFFECTIVE DATE.—This section shall take effect
20 on the date of the enactment of this Act.

21 **SEC. 115. EFFECTIVE DATE.**

22 Except as otherwise provided in this title (or in the
23 amendments made by this title), the amendments made
24 by this title shall take effect on the 1st day of the 12th

1 calendar quarter beginning after the date of the enactment
2 of this Act.

3 **TITLE II—BANKRUPTCY AMEND-**
4 **MENTS RELATING TO CHILD**
5 **SUPPORT, ALIMONY, AND**
6 **PROPERTY SETTLEMENT**
7 **AGREEMENTS**

8 **SEC. 201. EXCEPTIONS TO STAY.**

9 Section 362(b)(2) of title 11, United States Code, is
10 amended to read as follows:

11 “(2) under subsection (a) of this section—

12 “(A) of the commencement or continuation
13 of an action or proceeding for—

14 “(i) the establishment of paternity; or

15 “(ii) the establishment or modification
16 of an order for alimony, maintenance, or
17 support; or

18 “(B) of the collection of—

19 “(i) alimony, maintenance, or support
20 from property that is not property of the
21 estate; or

22 “(ii) a debt of the kind specified in
23 section 523(a)(5) of this title to a child of
24 the debtor if the claim for such debt arises
25 after the commencement of the case;”.

1 **SEC. 202. PRIORITY.**

2 Section 507(a) of title 11, United States Code, is
3 amended—

4 (1) in paragraph (8) by striking “(8) Eighth”
5 and inserting “(9) Ninth”,

6 (2) in paragraph (7) by striking “(7) Seventh”
7 and inserting “(8) Eighth”, and

8 (3) by inserting after paragraph (6) the fol-
9 lowing:

10 “(7) Seventh, allowed claims of the kind speci-
11 fied in section 523(a)(5) of this title.”.

12 **SEC. 203. EXEMPTIONS.**

13 Section 522(f) of title 11, United States Code, is
14 amended—

15 (1) in paragraph (2)(C) by striking the period
16 at the end and inserting a semicolon, and

17 (2) by adding at the end the following:

18 “and does not secure a claim for a debt of a kind specified
19 in section 523(a)(5) of this title.”.

20 **SEC. 204. EXCEPTION TO DISCHARGE.**

21 Section 523(a)(5) of title 11, United States Code, is
22 amended to read as follows:

23 “(5) to a spouse, former spouse, or child of the
24 debtor—

25 “(A) for alimony to, maintenance for, or
26 support of such spouse or child, in connection

1 with a separation agreement, divorce decree or
2 other order of a court of record, determination
3 made in accordance with State or territorial law
4 by a governmental unit, or property settlement
5 agreement, but not the extent that such debt
6 includes a liability designated as alimony, main-
7 tenance, or support, unless such liability is ac-
8 tually in the nature of alimony, maintenance, or
9 support; or

10 “(B) for any liability under the terms of a
11 property settlement agreement entered into in
12 connection with a separation agreement or di-
13 vorce decree;

14 except to the extent such debt is assigned to another
15 entity, voluntarily, by operation of law, or otherwise
16 (other than debts assigned pursuant to section
17 402(a)(26) of the Social Security Act, or any such
18 debt which has been assigned to the Federal Govern-
19 ment or to a State or any political subdivision of
20 such State).”.

21 **SEC. 205. PREFERENCES.**

22 Section 547(c) of title 11, United States Code,
23 is amended—

24 (1) in paragraph (6) by striking “or” at
25 the end,

1 (2) by redesignating paragraph (7) as
2 paragraph (8), and

3 (3) by inserting after paragraph (6) the
4 following:

5 “(7) to the extent such transfer was a bona fide
6 payment of a debt of a kind specified in section
7 523(a)(5) of this title; or”.

8 **SEC. 206. PROPERTY OF THE ESTATE.**

9 (a) PROPERTY UNDER CHAPTER 12.—Paragraphs
10 (1) and (2) of section 1207(a) of title 11, United States
11 Code, are amended by striking “but” and all that follows
12 through “first”, and inserting the following:

13 “until the plan is confirmed, except that such prop-
14 erty as is necessary to fund the plan and is specified
15 in the plan or order confirming the plan shall re-
16 main property of the estate”.

17 (b) PROPERTY UNDER CHAPTER 13.—Paragraphs
18 (1) and (2) of section 1306(a) of title 11, United States
19 Code, are amended by striking “but” and all that follows
20 through “first”, and inserting the following:

21 “until the plan is confirmed, except that such prop-
22 erty as is necessary to fund the plan and is specified
23 in the plan or order confirming the plan shall re-
24 main property of the estate”.

1 **SEC. 207. CONFIRMATION OF PLAN.**

2 (a) CONFIRMATION UNDER CHAPTER 12.—Section
3 1225(a) of title 11, United States Code, is amended—

4 (1) in paragraph (5) by striking “and” at the
5 end,

6 (2) by redesignating paragraph (6) as para-
7 graph (7), and

8 (3) by inserting after paragraph (5) the follow-
9 ing:

10 “(6) the debtor has paid all allowable claims
11 arising after the order for relief for debts of the
12 kinds specified in section 523(a)(5) of this title;
13 and”.

14 (b) CONFIRMATION UNDER CHAPTER 13.—Section
15 1325(a) of title 11, United States Code, is amended—

16 (1) in paragraph (5)(C) by striking “and” at
17 the end,

18 (2) by redesignating paragraph (6) as para-
19 graph (7), and

20 (3) by inserting after paragraph (5) the follow-
21 ing:

22 “(6) the debtor has paid all allowable claims
23 arising after the order for relief for debts of the
24 kinds specified in section 523(a)(5) of this title;
25 and”.

1 **SEC. 208. EXEMPTION.**

2 Representatives of child support creditors shall be
 3 permitted to appear and intervene without charge, and
 4 without meeting any special local court rule requirement
 5 for attorney appearances, in any bankruptcy proceeding
 6 in any bankruptcy court or district court of the United
 7 States if such representatives file a form in such court
 8 that contains information detailing the child support debt,
 9 its status, and other characteristics.

10 **SEC. 209. EFFECTIVE DATE; APPLICATION OF AMEND-**
 11 **MENTS.**

12 (a) EFFECTIVE DATE.—Except as provided in sub-
 13 section (b), this title and the amendments made by this
 14 title shall take effect on the date of the enactment of this
 15 Act.

16 (b) APPLICATION OF AMENDMENTS.—The amend-
 17 ments made by this title shall not apply with respect to
 18 cases commenced under title 11 of the United States Code
 19 before the date of the enactment of this Act.

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